IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1258 (S/S)06

Rikshpal Singh S/o Sri Kabool Singh,
R/o village Kaun, Kheda, P.O. Laksar,
Tehsil Laksar, District Haridwar ----Petitioner.

Vs.

1. Director of Education, Uttarakhand, Dehradun,
2. Basic Shiksha Adhikari, Haridwar,
3. Jai Singh S/o Sri Dharampal Singh
   R/o village Delna, Post Office-Bhabrera,
   District Haridwar,
4. Administrator, Kisan Junior High School,
   Bhurni Khatirpur, Laksar,
   District Haridwar. -----Respondents.

Sri Lokendra Dobhal, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondent nos. 1 & 2,
Smt. Indu Sharma, counsel for the respondent no. 3 and
Sri Sharad Sharma, learned counsel for respondent no. 4.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Lokendra Dobhal, learned counsel for the petitioner. Sri Paresh Tripathi, learned Brief Holder for State of Uttarakhand/respondent nos. 1 & 2, Smt. Indu Sharma, learned counsel for respondent no. 3 and Sri Sharad Sharma, learned counsel for the respondent no. 4.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari calling for the record and quashing the impugned order dated 29.03.2003 (annexure no. 6 to this writ petition), passed by District Basic Shiksha Adhikari, Haridwar-respondent no. 2,

ii. Issue a writ, order or direction in the nature of nature of mandamus commanding the respondent authorities to

declare the petitioner senior to the respondent no. 3 in Kisan Junior High School, Bhurni Khatirpur, Laksar, District Haridwar,

iii. Pass any other and further orders, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case,

iv. Award the cost of writ petition to the petitioner.

I have perused the record. It is admitted by the parties that Rikshpal Singh-petitioner was granted Trained Grade Teacher's pay scale with effect from 01.09.1994 whereas; Sri Jai Singh-respondent no. 3 was admittedly granted the similar pay scale prior to 01.09.1994.

Submission of the learned counsel for the petitioner-Rikshpal Singh is that he was entitled to be granted Trained Grade Teacher's scale since 1978, as he was granted exemption from Training and, incase, he is granted Trained Grade Teacher's Grade since 1978, he will be senior to Sri Jai Singh-respondent no. 3.

In this regard, the petitioner has already moved a representation on 22.04.2003 before the District Basic Education Officer, Haridwar, which is still pending according to the petitioner.

The petitioner may prefer fresh representation before the Addl. District Education Officer, Haridwar, raising all his grievances particularly with the contention that he was exempted from Training vide order dated 24.07.1999 passed by the Assistant Director of Education (Basic), Saharanpur

Division, Saharanpur, therefore he is entitled to get Trained Grade Teacher's pay scale w.e.f. 01.09.1978.

Thus, without entering into the merits of the case, I direct the Addl. District Education Officer (Basic) Haridwar to take decision on the representation of the petitioner, if any moved by the petitioner afresh, within a period of six weeks from the date of production of a certified copy of this order, alongwith representation.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 8, 2007:
NCM: